

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CHRIS RICKMAN

Plaintiff

vs.

PEROUTKA & PEROUTKA, P.A.

Defendant

Civil Action No.: 1:08-CV-00122-AMD

ANSWER TO AMENDED COMPLAINT

Peroutka & Peroutka, P.A., by and through its attorney Ronald S. Canter, in answer to the Amended Complaint states as follows:

FIRST DEFENSE

1. The allegations in Paragraph 1 of the Amended Complaint set forth legal conclusions and do not require the filing of a response either admitting or denying the assertions.
2. The allegations in Paragraph 2 of the Amended Complaint relate to jurisdiction and do not require the filing of a response either admitting or denying the assertions.
3. Defendant admits the allegations in Paragraph 3 of the Amended Complaint.
4. Defendant is without sufficient information to admit or deny the allegations in Paragraph 4 of the Amended Complaint.
5. Defendant admits that it is a debt collector as defined within the Fair Debt Collection Practices Act but is without sufficient information to admit or deny that the debt incurred by the Plaintiff is one within the definition of the Fair Debt Collection Practices Act.
6. In answer to the allegations in Paragraph 6 of the Amended Complaint, Defendant admits that it is a collector as defined under Maryland law but is without sufficient information to admit

or deny that the debt incurred by the Plaintiff is one within the definition of a consumer debt under Maryland law.

7. Defendant admits the allegations in Paragraph 7 of the Amended Complaint but denies that Plaintiff properly disputed his debt in accordance with the Fair Debt Collection Practices Act.

8. Defendant denies the allegations in Paragraph 8 of the Amended Complaint.

9. Defendant denies the allegations in Paragraph 9 of the Amended Complaint.

10. Defendant admits the allegations in Paragraph 10 of the Amended Complaint and further asserts that Plaintiff advised Defendant that he disputed the debt, but denies that the dispute was in writing as required by the Fair Debt Collection Practices Act.

11. Defendant denies the allegations in Paragraph 11 of the Amended Complaint.

12. Defendant denies the allegations in Paragraph 12 of the Amended Complaint.

13. Defendant denies the allegations in Paragraph 13 of the Amended Complaint.

14. Defendant admits the allegations in Paragraph 14 of the Amended Complaint insofar as Plaintiff alleges that documentation was provided, but avers that the documentation was sent to the Plaintiff's attorney and not to the Plaintiff.

15. Defendant denies the allegations in Paragraph 15 of the Amended Complaint.

16. In response to the allegations in Paragraph 16 of the Amended Complaint, Defendant realleges and incorporates by reference its answers to the preceding paragraphs.

17. Defendant denies the allegations in Paragraph 17 of the Amended Complaint.

18. Defendant denies the allegations in Paragraph 18 of the Amended Complaint.

SECOND DEFENSE

The allegations in the Amended Complaint failed to set forth the cause of action for which relief may be granted.

THIRD DEFENSE

To the extent that Plaintiff can establish any liability under the Fair Debt Collection Practices Act, Defendant's liability is excused because its violation was not intentional and resulted from a bona fide error notwithstanding the existence of procedures reasonably adapted to avoid any such error.

FOURTH DEFENSE

This action has been brought in bad faith and for purposes of harassment and Defendant is entitled to attorney fees pursuant to 15 U.S.C. § 1692k(a)(3).

WHEREFORE, having fully answered the Amended Complaint, Defendant prays that the Amended Complaint be dismissed, with prejudice and that it be awarded its costs, expenses, and attorney fees.

WOLPOFF & ABRAMSON, L.L.P.

BY: /s/ Ronald S. Canter
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702 King Farm Blvd.
Rockville, MD 20850-5775
(240) 386-3000
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the Amended Complaint, was served upon the individual listed below by Electronic Case Filing and First Class Mail, Postage Prepaid on this 3rd day of March, 2008 to:

Bernard T. Kennedy, Esquire
207 Miles River Court
Odenton, MD 21113
Attorney for Plaintiff

/s/ Ronald S. Canter
Ronald S. Canter, Esquire
Attorney for Defendant